

Exhibit 15

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1 Allan
2 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK
3
4 SANDRA GUZMAN,)
)
5 Plaintiff,)
)
6 vs.) 09CIV9323
) (BSJ(RLE)
7 NEWS CORPORATION, NYP HOLDINGS,)
8 INC., d/b/a THE NEW YORK POST,)
 and COL ALLAN, in his official)
9 and individual capacities,)
)
 Defendants.)
 -----)

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12

13 VIDEOTAPED DEPOSITION OF COLIN ALLAN

14 New York, New York

15 Tuesday, February 14, 2012

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22

23 Reported by:

24 Philip Rizzuti

25 JOB NO. 46188

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<p>1 Allan</p> <p>2 cartoon, who is Sean Delonas?</p> <p>3 A. He is the cartoonist.</p> <p>4 Q. Who created that cartoon?</p> <p>5 A. Correct.</p> <p>6 Q. Did Mr. Delonas give you that</p> <p>7 cartoon to approve before it was published?</p> <p>8 MR. LIPPNER: Objection.</p> <p>9 MR. LERNER: Objection.</p> <p>10 Q. You can answer?</p> <p>11 A. Yes.</p> <p>12 Q. Did you approve it before its</p> <p>13 publication?</p> <p>14 A. Yes.</p> <p>15 Q. Did any other editor at the New</p> <p>16 York Post approve that cartoon before its</p> <p>17 publication?</p> <p>18 A. No.</p> <p>19 Q. So you made the decision?</p> <p>20 A. Yes.</p> <p>21 Q. Solely your decision?</p> <p>22 A. Yes.</p> <p>23 Q. Ms. Guzman stated in her E-mail, I</p> <p>24 have raised my objections to management,</p> <p>25 Sandra Guzman. Do you see that?</p>	<p>1 Allan</p> <p>2 A. Yes.</p> <p>3 Q. When you read this E-mail for the</p> <p>4 very first time did you know that Ms. Guzman</p> <p>5 had raised objections to the cartoon?</p> <p>6 MR. LERNER: Objection.</p> <p>7 Mr. Thompson, I am looking, this is an</p> <p>8 E-mail, it has been 100 or 200 addresses</p> <p>9 on it, so it takes a while to go through.</p> <p>10 But I don't see Col Allan's name as a</p> <p>11 recipient of this particular E-mail,</p> <p>12 so --</p> <p>13 MR. THOMPSON: I understand that</p> <p>14 Mr. Lerner, but he has already said that</p> <p>15 this is the E-mail that he saw after the</p> <p>16 person came into his office.</p> <p>17 MR. LERNER: I am describing for</p> <p>18 clarity.</p> <p>19 MR. THOMPSON: But he has already</p> <p>20 stated that he has seen this before.</p> <p>21 Q. Mr. Allan, did you know when you</p> <p>22 looked at Ms. Guzman's E-mail the day you</p> <p>23 learned about it that she had raised</p> <p>24 objections to management about the cartoon?</p> <p>25 A. I don't recall.</p>
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<p>1 Allan</p> <p>2 Q. How did you react when you read</p> <p>3 her E-mail?</p> <p>4 A. React; what does that mean?</p> <p>5 Q. Well were you happy, were you</p> <p>6 upset?</p> <p>7 A. I was disappointed.</p> <p>8 Q. Why were you disappointed?</p> <p>9 A. I felt that if she was troubled by</p> <p>10 the cartoon that she might have raised those</p> <p>11 concerns with the people that she worked for</p> <p>12 and with before she did so publicly.</p> <p>13 Q. Do you know if she did raise her</p> <p>14 concerns about the cartoon with any editor at</p> <p>15 the New York Post?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you know if she raised the</p> <p>18 concerns about the cartoon to anyone in human</p> <p>19 resources?</p> <p>20 A. Yes.</p> <p>21 Q. Who did she raise her concerns to?</p> <p>22 A. Jennifer Jehn.</p> <p>23 Q. How do you know that she raised</p> <p>24 the concerns about the cartoon with Jennifer</p> <p>25 Jehn?</p>	<p>1 Allan</p> <p>2 A. Jennifer told me so.</p> <p>3 Q. Did Jennifer tell you before or</p> <p>4 after you saw this E-mail reflected in Exhibit</p> <p>5 2?</p> <p>6 A. I don't recall.</p> <p>7 Q. Is Jennifer Jehn the only person</p> <p>8 that you recall telling you that Sandra Guzman</p> <p>9 raised complaints about the cartoon?</p> <p>10 A. Yes.</p> <p>11 Q. In February of 2009 Joe Rabinowitz</p> <p>12 was Sandra Guzman's direct supervisor; is that</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. Did Mr. Rabinowitz tell you that</p> <p>16 she had complained to him about the cartoon?</p> <p>17 A. I don't recall.</p> <p>18 Q. Well let me ask you, you said you</p> <p>19 were disappointed in Ms. Guzman, wouldn't you</p> <p>20 remember if Joe Rabinowitz told you that she</p> <p>21 had complained about it?</p> <p>22 A. I am sorry, I don't recall.</p> <p>23 Q. So as you sit here now you don't</p> <p>24 recall ever speaking or communicating with Joe</p> <p>25 Rabinowitz about the fact that Sandra Guzman</p>

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<p>1 Allan</p> <p>2 complained about the monkey cartoon?</p> <p>3 A. That is correct.</p> <p>4 Q. When was the very first time</p> <p>5 Jennifer Jehn told you about Ms. Guzman's</p> <p>6 complaint about the cartoon; was it the day it</p> <p>7 was published or sometime after that?</p> <p>8 MR. LIPPNER: Objection.</p> <p>9 A. I don't recall.</p> <p>10 Q. Well did you go to HR to have this</p> <p>11 conversation with Jennifer Jehn or did she</p> <p>12 come to your office?</p> <p>13 MR. LIPPNER: Objection.</p> <p>14 A. She called me.</p> <p>15 Q. What did she say when she called</p> <p>16 you?</p> <p>17 A. She told me that Sandra was upset</p> <p>18 about the cartoon, that she had friends who</p> <p>19 were upset, and she was seeking an explanation</p> <p>20 from the company.</p> <p>21 Q. Who was seeking an explanation</p> <p>22 from the company?</p> <p>23 A. Sandra Guzman.</p> <p>24 Q. What did Sandra Guzman want the</p> <p>25 company to explain according to Jennifer Jehn?</p>	<p>1 Allan</p> <p>2 MR. LERNER: Objection.</p> <p>3 A. Why it was published.</p> <p>4 Q. Did Jennifer Jehn tell you</p> <p>5 anything else during that call?</p> <p>6 A. Only that there was no offense</p> <p>7 meant in the paper publishing the cartoon and</p> <p>8 that it had been misunderstood, although she</p> <p>9 appreciated that Sandra had taken offense.</p> <p>10 Q. So Jennifer Jehn told you that the</p> <p>11 paper did not intend to offend anyone with the</p> <p>12 cartoon?</p> <p>13 A. She told me she had so informed</p> <p>14 Sandra Guzman.</p> <p>15 Q. Did she describe to you Sandra</p> <p>16 Guzman's demeanor at the time?</p> <p>17 A. Yes.</p> <p>18 Q. What did she describe about Ms.</p> <p>19 Guzman's demeanor?</p> <p>20 A. She was upset.</p> <p>21 Q. Did Ms. Jehn describe how upset</p> <p>22 Ms. Guzman was?</p> <p>23 A. Just upset.</p> <p>24 Q. Did she tell you that she was</p> <p>25 crying?</p>
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<p>1 Allan</p> <p>2 A. No.</p> <p>3 Q. Did she tell you that she was</p> <p>4 tearful?</p> <p>5 A. No.</p> <p>6 Q. Did Ms. Jehn tell you that Sandra</p> <p>7 Guzman told her that she believed that the</p> <p>8 monkey cartoon reflected a racist work</p> <p>9 environment at the New York Post?</p> <p>10 A. No.</p> <p>11 Q. Did Ms. Jehn tell you that Sandra</p> <p>12 Guzman said that the monkey cartoon reflected</p> <p>13 a sexist work environment at the New York</p> <p>14 Post?</p> <p>15 A. No.</p> <p>16 Q. Did she tell you that Sandra</p> <p>17 Guzman said that the monkey cartoon reflected</p> <p>18 a discriminatory work environment at the New</p> <p>19 York Post?</p> <p>20 A. No.</p> <p>21 Q. Did she tell you anything else</p> <p>22 during that call?</p> <p>23 A. No.</p> <p>24 Q. How long did the call last?</p> <p>25 A. I don't recall.</p>	<p>1 Allan</p> <p>2 Q. Do you have any idea?</p> <p>3 A. Couple of minutes.</p> <p>4 Q. Well in a couple of minutes many</p> <p>5 things can be said; correct?</p> <p>6 MR. LIPPNER: Objection.</p> <p>7 A. Correct.</p> <p>8 Q. Do you recall anything else that</p> <p>9 either Ms. Jehn said or you said when she</p> <p>10 called you to tell you that Sandra Guzman had</p> <p>11 complained to her about the cartoon?</p> <p>12 A. No.</p> <p>13 Q. Did you ever speak to Ms. Jehn</p> <p>14 again about the fact that Ms. Guzman had</p> <p>15 complained about the cartoon?</p> <p>16 A. I don't recall.</p> <p>17 Q. In February of 2009 who was the</p> <p>18 person in charge of human resources at the New</p> <p>19 York Post?</p> <p>20 A. It was either Jennifer Jehn or Amy</p> <p>21 Scialdone.</p> <p>22 Q. Jennifer Jehn?</p> <p>23 A. Jennifer Jehn, yes.</p> <p>24 Q. So did Jennifer Jehn tell you that</p> <p>25 she was going to take any other action with</p>

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<p>1 Allan</p> <p>2 Q. So Sandra Guzman, and was she with</p> <p>3 Danica Lo or somebody else?</p> <p>4 A. I think Danica Lo was there, I am</p> <p>5 sorry, I don't remember.</p> <p>6 Q. So continue, what happened after</p> <p>7 Ms. Guzman and other employees came up to you?</p> <p>8 A. I bought them a drink. At some</p> <p>9 point I received an E-mail from the office</p> <p>10 that contained for my perusal a picture of a</p> <p>11 naked man.</p> <p>12 Q. Who sent you that picture?</p> <p>13 A. Somebody on the photo desk.</p> <p>14 Q. Do you recall who?</p> <p>15 A. I don't.</p> <p>16 Q. Did the E-mail say anything about</p> <p>17 the picture of the naked man?</p> <p>18 A. I don't recall.</p> <p>19 Q. What happened after you received</p> <p>20 the picture of the naked man by E-mail?</p> <p>21 A. I was aware of what it was. I had</p> <p>22 been told by whomever was editing the Sunday</p> <p>23 paper at the time that we were likely going to</p> <p>24 obtain a picture, a lewd picture of a man that</p> <p>25 sat above the bed of the governor of New</p>	<p>1 Allan</p> <p>2 Jersey.</p> <p>3 Q. Who at the time --</p> <p>4 MR. LIPPNER: Are you done with</p> <p>5 your answer?</p> <p>6 THE WITNESS: Yes.</p> <p>7 Q. When you say the governor of New</p> <p>8 York are you referring to Jim McGreevey?</p> <p>9 A. Yes.</p> <p>10 Q. So you knew that, or thought that</p> <p>11 the Post was going to get a picture --</p> <p>12 A. I knew that we had --</p> <p>13 Q. A lewd picture?</p> <p>14 A. Yes, I knew that we had obtained a</p> <p>15 lewd picture of the governor.</p> <p>16 Q. Right.</p> <p>17 A. And I had asked before I left the</p> <p>18 office because it was getting late in the day,</p> <p>19 that they might E-mail it to me.</p> <p>20 Q. Please continue?</p> <p>21 A. The purpose of the E-mailing it to</p> <p>22 me was for me to consider it for publication.</p> <p>23 This was undertaken in the context of the</p> <p>24 scandal surrounding the governor's sex life,</p> <p>25 which was public knowledge. And I showed it</p>
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<p>1 Allan</p> <p>2 to Jesse Angelo who was with me and we briefly</p> <p>3 discussed it. Whether or not or how we might</p> <p>4 be able to publish the picture in a way that</p> <p>5 was not offensive to people.</p> <p>6 Q. What did you say to Mr. Angelo and</p> <p>7 what did he say to you about that?</p> <p>8 A. Well we discussed the obvious,</p> <p>9 that we would have to disguise his groin, we</p> <p>10 would have to cover it up.</p> <p>11 Q. Because you didn't want to offend</p> <p>12 anyone; right?</p> <p>13 A. Precisely.</p> <p>14 Q. Because you would agree people,</p> <p>15 some people may get offended if they had to</p> <p>16 look at a picture of a naked man with his</p> <p>17 genitals exposed?</p> <p>18 A. Possibly.</p> <p>19 Q. So did you and Jesse Angelo talk</p> <p>20 about anything else regarding that picture?</p> <p>21 A. No, we just discussed that it was</p> <p>22 sort of a striking image for the governor of</p> <p>23 New Jersey to have over his bed, and that we</p> <p>24 discussed how we might be able to make it</p> <p>25 suitable for publication.</p>	<p>1 Allan</p> <p>2 Q. Did you receive this picture on</p> <p>3 your Blackberry?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you still have that picture on</p> <p>6 your Blackberry?</p> <p>7 A. I have an iPhone now, so I don't</p> <p>8 know.</p> <p>9 Q. Did you ever save that picture on</p> <p>10 your Blackberry?</p> <p>11 A. I don't know.</p> <p>12 Q. So what happened -- strike that.</p> <p>13 Were you and Jesse Angelo just</p> <p>14 talking among yourselves about how you can</p> <p>15 publish this photo without offending anyone?</p> <p>16 MR. LIPPNER: Objection.</p> <p>17 A. We were standing at the bar</p> <p>18 discussing it.</p> <p>19 Q. Was it just the two of you</p> <p>20 discussing it at that time?</p> <p>21 A. Yes.</p> <p>22 Q. Then what happened next?</p> <p>23 A. One of the ladies asked us what we</p> <p>24 were talking about.</p> <p>25 Q. Who?</p>

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<p>1 Allan</p> <p>2 A. They looked at it.</p> <p>3 Q. How long did they look at it?</p> <p>4 A. I don't know, briefly.</p> <p>5 Q. Do you recall the reaction?</p> <p>6 A. They laughed.</p> <p>7 Q. Both of them laughed?</p> <p>8 A. Yes.</p> <p>9 Q. Did they say anything in response</p> <p>10 besides laughing?</p> <p>11 A. No. Wow maybe.</p> <p>12 Q. Are you guessing or do you recall</p> <p>13 that?</p> <p>14 A. No. They laughed.</p> <p>15 Q. So all you recall is that they</p> <p>16 laughed and you don't recall them saying</p> <p>17 anything regarding that picture?</p> <p>18 A. No.</p> <p>19 Q. How long did they hold the picture</p> <p>20 and look at it?</p> <p>21 A. Briefly. Seconds.</p> <p>22 Q. Seconds?</p> <p>23 A. Yes.</p> <p>24 Q. Where was Jesse Angelo at the</p> <p>25 time?</p>	<p>1 Allan</p> <p>2 A. Standing right next to me.</p> <p>3 Q. Did he say anything when the women</p> <p>4 were looking at the picture?</p> <p>5 A. No.</p> <p>6 Q. Did the women ask who is this guy?</p> <p>7 A. I told them.</p> <p>8 Q. What did they say to you when you</p> <p>9 showed them the picture?</p> <p>10 A. They asked prior to me showing</p> <p>11 them the image, they asked what was so</p> <p>12 interesting, why are you talking about what is</p> <p>13 on your Blackberry, and I told them we had a</p> <p>14 lewd photograph of a naked man in Governor</p> <p>15 McGreevey's bedroom. So they wanted to see</p> <p>16 it.</p> <p>17 Q. Was there any other discussion</p> <p>18 that you had with those female employees about</p> <p>19 the picture of the naked man?</p> <p>20 A. No. Only -- no.</p> <p>21 Q. Do you recall that Jesse Angelo</p> <p>22 said anything while those women were looking</p> <p>23 at the picture of the naked man?</p> <p>24 A. I don't. I don't remember.</p> <p>25 Q. After you showed the picture of</p>
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<p>1 Allan</p> <p>2 the naked man on your Blackberry did you get</p> <p>3 your Blackberry back?</p> <p>4 A. Yes.</p> <p>5 Q. Then what happened at that point?</p> <p>6 A. Nothing. I got another drink.</p> <p>7 Q. Did you continue to converse?</p> <p>8 A. Sure.</p> <p>9 Q. With the female employees?</p> <p>10 A. Yes.</p> <p>11 Q. What did you and Sandra Guzman</p> <p>12 talk about at that time?</p> <p>13 A. I can't remember.</p> <p>14 Q. Is it your testimony Mr. Allan</p> <p>15 that you can't recall a single word that</p> <p>16 Sandra Guzman said to you during this incident</p> <p>17 when you claim she was present to see this</p> <p>18 picture?</p> <p>19 A. I can't, it was in a bar years</p> <p>20 ago, I have no memory.</p> <p>21 Q. Do you think it was appropriate as</p> <p>22 the Editor-in-Chief of the Post to show female</p> <p>23 employees a lewd picture of a naked man?</p> <p>24 A. Yes.</p> <p>25 Q. Do you think it was in violation</p>	<p>1 Allan</p> <p>2 of any of the company's policies regarding</p> <p>3 discrimination or harassment?</p> <p>4 A. No.</p> <p>5 Q. Now I am showing you what has been</p> <p>6 marked as Allan Deposition Exhibit 8 and I ask</p> <p>7 that you take a moment to look at it. For the</p> <p>8 record it is Bates stamped NYP 3999.</p> <p>9 (Allan Exhibit 8, document Bates</p> <p>10 stamp NYP 3999, marked for</p> <p>11 identification, as of this date.)</p> <p>12 Q. Tell me if you recognize this,</p> <p>13 sir?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. I believe it is the photograph of</p> <p>17 the man in Governor McGreevey's room.</p> <p>18 Q. So is this the picture that you</p> <p>19 showed to Sandra Guzman in Langan's that day?</p> <p>20 MR. LIPPNER: Objection.</p> <p>21 A. Yes.</p> <p>22 Q. Now you see at the top of this</p> <p>23 exhibit it says byline Richard Rinaldi,</p> <p>24 Courtesy Yossi. Do you know who those</p> <p>25 individuals are?</p>

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<p>1 Allan</p> <p>2 images are shared with multiple people at the</p> <p>3 Post, men and women.</p> <p>4 Q. But you showed these two pictures</p> <p>5 of naked men to female employees on April of</p> <p>6 2007 and then September of 2008; correct?</p> <p>7 A. Correct.</p> <p>8 Q. Mr. Allan, who is -- do you know</p> <p>9 Steve Dunlevy?</p> <p>10 A. Yes.</p> <p>11 Q. Who is he?</p> <p>12 A. He is a former columnist for the</p> <p>13 Post.</p> <p>14 Q. Is he white or black?</p> <p>15 A. White.</p> <p>16 Q. He is from Australia?</p> <p>17 A. Originally, yes.</p> <p>18 Q. You have known him for over 30</p> <p>19 years?</p> <p>20 A. Yes.</p> <p>21 Q. Is he one of your good friends?</p> <p>22 A. Yes.</p> <p>23 Q. Has he ever spent a night at your</p> <p>24 house?</p> <p>25 A. Yes.</p>	<p>1 Allan</p> <p>2 Q. You live on the upper west side?</p> <p>3 A. Yes.</p> <p>4 Q. Steve Dunlevy has spent a night at</p> <p>5 your house more than once; correct?</p> <p>6 A. No more than twice.</p> <p>7 Q. But he spent a night at your house</p> <p>8 when he worked at the paper; correct?</p> <p>9 A. Yes.</p> <p>10 Q. You were the boss at the time;</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And when he left there was a big</p> <p>14 farewell party for him; correct?</p> <p>15 A. Yes.</p> <p>16 Q. You attended that party; correct?</p> <p>17 A. I did.</p> <p>18 Q. Rupert Murdoch attended it as</p> <p>19 well; correct?</p> <p>20 A. Correct.</p> <p>21 Q. It was a lavish affair for Steve</p> <p>22 Dunlevy; correct?</p> <p>23 A. If you describe an Irish bar as</p> <p>24 lavish, I suppose so.</p> <p>25 Q. Where was it held at, that</p>
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<p>1 Allan</p> <p>2 farewell party?</p> <p>3 A. It was a bar on the west side.</p> <p>4 Q. How long did Steve Dunlevy work at</p> <p>5 the Post?</p> <p>6 A. Many years, I don't know</p> <p>7 precisely.</p> <p>8 Q. What was his position at the Post?</p> <p>9 A. He was a columnist and an</p> <p>10 executive at one point.</p> <p>11 Q. Executive of the Post?</p> <p>12 A. Yes.</p> <p>13 Q. Did he ever have any positions at</p> <p>14 News Corporation?</p> <p>15 A. No.</p> <p>16 Q. Did he ever serve on any</p> <p>17 committees at News Corp.?</p> <p>18 A. No.</p> <p>19 Q. Do you know by the way Mr. Allan</p> <p>20 if any New York Post employees ever served on</p> <p>21 any internal committees at News Corp.?</p> <p>22 A. No.</p> <p>23 Q. No that you don't know or no --</p> <p>24 A. I don't know.</p> <p>25 Q. Do you know what the News Corp.</p>	<p>1 Allan</p> <p>2 Hispanic Diversity Council is?</p> <p>3 A. No.</p> <p>4 Q. Does News Corp. have a Go Green</p> <p>5 Committee?</p> <p>6 A. I don't know.</p> <p>7 Q. Did you ever hear Steve Dunlevy</p> <p>8 make any comments about his sex life in the</p> <p>9 workplace?</p> <p>10 A. No.</p> <p>11 Q. Did you ever hear him make any</p> <p>12 comments about his sex life at Langan's?</p> <p>13 A. No.</p> <p>14 Q. Did you ever talk to Mr. Steve</p> <p>15 Dunlevy about his sex life?</p> <p>16 A. Never.</p> <p>17 Q. Did you ever make any jokes or</p> <p>18 comments about Steve Dunlevy's sex life?</p> <p>19 A. Maybe, yes.</p> <p>20 Q. Tell us the occasions when you</p> <p>21 commented about Steve Dunlevy's sex life?</p> <p>22 A. I repeated a story that I had</p> <p>23 heard from the owner of Langan's about Dunlevy</p> <p>24 having sex with a women in the closet at</p> <p>25 Langan's.</p>

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<p>1 Allan</p> <p>2 Q. Who is the owner of Langan's?</p> <p>3 A. Des O'Brien.</p> <p>4 Q. Des O'Brien?</p> <p>5 A. O'Brien.</p> <p>6 Q. When did Des O'Brien tell you</p> <p>7 about Steve Dunlevy having sex with a woman in</p> <p>8 the closet at Langan's?</p> <p>9 A. When I first got here, I guess in</p> <p>10 2001, 2002.</p> <p>11 Q. What did he tell you about that</p> <p>12 incident?</p> <p>13 A. He told me that he had found</p> <p>14 Dunlevy having sex with a woman in the closet.</p> <p>15 Q. At Langan's?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did he say if the women's leg was</p> <p>18 hanging out the closet?</p> <p>19 A. No, sir.</p> <p>20 Q. Did he describe the woman at all?</p> <p>21 A. Not that I recall.</p> <p>22 Q. How did you and the owner of</p> <p>23 Langan's end up talking about Steve Dunlevy</p> <p>24 having sex with a woman in Langan's?</p> <p>25 MR. LERNER: Objection to the</p>	<p>1 Allan</p> <p>2 form.</p> <p>3 A. He was friendly with Dunlevy.</p> <p>4 Q. How did you two end up talking</p> <p>5 about Dunlevy's sex life?</p> <p>6 A. I met him, Dunlevy had introduced</p> <p>7 us, and in the course of that introduction or</p> <p>8 soon after he told me the story about Dunlevy.</p> <p>9 Q. And you and Steve Dunlevy had gone</p> <p>10 to Langan's on many occasions; correct?</p> <p>11 A. No.</p> <p>12 Q. You did go to Langan's with Steve</p> <p>13 Dunlevy?</p> <p>14 A. Occasionally.</p> <p>15 Q. You guys would have drinks; right?</p> <p>16 A. Yes.</p> <p>17 Q. You were not only employees of the</p> <p>18 company, you were friends?</p> <p>19 A. Yes.</p> <p>20 Q. So where were you when you</p> <p>21 repeated this story that Des O'Brien told you</p> <p>22 about Steve Dunlevy having sex with a woman in</p> <p>23 the closet at Langan's; were you in the</p> <p>24 workplace at 1211 Avenue of the Americas or</p> <p>25 some other place?</p>
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<p>1 Allan</p> <p>2 MR. LIPPNER: Objection.</p> <p>3 A. I was at Langan's.</p> <p>4 Q. Was anyone else present?</p> <p>5 A. A bunch of people.</p> <p>6 Q. Do you recall who was present?</p> <p>7 A. Not really.</p> <p>8 Q. Sandra Guzman?</p> <p>9 A. New York Post people.</p> <p>10 Q. New York Post employees?</p> <p>11 A. Yes.</p> <p>12 Q. Was Sandra Guzman present?</p> <p>13 A. Yes.</p> <p>14 Q. Was this the same day you showed</p> <p>15 the picture, the lewd picture of the naked man</p> <p>16 to Ms. Guzman that was on your Blackberry?</p> <p>17 A. No.</p> <p>18 Q. Different day?</p> <p>19 A. I believe so.</p> <p>20 Q. Besides Ms. Guzman who else was</p> <p>21 there from the New York Post or the News</p> <p>22 Corp.?</p> <p>23 A. I don't remember. I don't</p> <p>24 remember.</p> <p>25 Q. Well describe what happened in</p>	<p>1 Allan</p> <p>2 Langan's that day when you ended up telling</p> <p>3 Ms. Guzman about how Steve Dunlevy had sex</p> <p>4 with a woman in the closet at Langan's?</p> <p>5 MR. LIPPNER: Objection.</p> <p>6 Mischaracterizes the testimony.</p> <p>7 A. There were a group of people as I</p> <p>8 stated, Dunlevy I think was there or had left.</p> <p>9 He became the topic of some conversation</p> <p>10 because he is a character of note, and I</p> <p>11 subsequently stated that I had been told by</p> <p>12 Des O'Brien that he had found him having sex</p> <p>13 in the closet.</p> <p>14 Q. Why did you tell Sandra Guzman</p> <p>15 that?</p> <p>16 A. I told a bunch of people that.</p> <p>17 Q. My question is why did you tell</p> <p>18 Ms. Guzman that?</p> <p>19 MR. LIPPNER: Objection.</p> <p>20 A. I thought she would be amused.</p> <p>21 Q. So you thought that Sandra Guzman</p> <p>22 would be amused to hear her boss tell her</p> <p>23 about how another male employee had sex with a</p> <p>24 woman in Langan's?</p> <p>25 A. Yes.</p>

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<p>1 Allan</p> <p>2 Q. You find that amusing?</p> <p>3 A. I do.</p> <p>4 Q. Why?</p> <p>5 A. Well it is unusual behavior.</p> <p>6 Q. I understand it is unusual, but</p> <p>7 you find it amusing. Explain why you find it</p> <p>8 amusing that Steve Dunlevy had sex with a</p> <p>9 woman in the closet in Langan's?</p> <p>10 A. Because I assume it would have</p> <p>11 been uncomfortable.</p> <p>12 Q. What would have been</p> <p>13 uncomfortable?</p> <p>14 A. Having sex in a closet.</p> <p>15 Q. So that is why you find it</p> <p>16 amusing?</p> <p>17 A. In part.</p> <p>18 Q. Is there any other reason why you</p> <p>19 find that incident amusing?</p> <p>20 A. No.</p> <p>21 Q. Did you also believe it was</p> <p>22 amusing to tell female employees that story --</p> <p>23 strike that.</p> <p>24 Did you also find it amusing to</p> <p>25 tell Ms. Guzman that story?</p>	<p>1 Allan</p> <p>2 MR. LIPPNER: Objection.</p> <p>3 A. I don't recall. I don't remember.</p> <p>4 It was in the context of a group of people</p> <p>5 having a drink.</p> <p>6 Q. But the people were employees of</p> <p>7 the New York Post?</p> <p>8 A. Some were, yes.</p> <p>9 Q. Some were employees of News Corp.?</p> <p>10 A. New York Post.</p> <p>11 Q. Now you would agree would you not</p> <p>12 Mr. Allan that when you described this</p> <p>13 incident with Steve Dunlevy having sex with a</p> <p>14 woman in a closet in Langan's, that that was</p> <p>15 not newsworthy; right?</p> <p>16 A. I agree.</p> <p>17 Q. And you didn't tell Ms. Guzman or</p> <p>18 anyone else that was present at the time you</p> <p>19 were telling the story because it was a</p> <p>20 potential news article; right?</p> <p>21 A. Correct.</p> <p>22 Q. Do you think it was appropriate as</p> <p>23 the Editor-in-Chief of the New York Post for</p> <p>24 you to have told Ms. Guzman about the story of</p> <p>25 Steve Dunlevy having sex with some woman in</p>
Page 244	Page 245
<p>1 Allan</p> <p>2 the closet of a bar?</p> <p>3 A. I believe it was harmless.</p> <p>4 Q. Do you think it was in violation</p> <p>5 of any policy covering New York Post</p> <p>6 employees?</p> <p>7 A. No.</p> <p>8 Q. Do you think it was offensive to</p> <p>9 tell Ms. Guzman the story about Steve Dunlevy</p> <p>10 having sex with some woman in a bar?</p> <p>11 A. No, it was not a lewd story.</p> <p>12 Q. Did Ms. Guzman come up to you on</p> <p>13 that occasion when you told the story about</p> <p>14 Steve Dunlevy or did you go over to her at</p> <p>15 Langan's?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you recall having any -- strike</p> <p>18 that.</p> <p>19 Do you recall describing any other</p> <p>20 sex stories about Steve Dunlevy to Ms. Guzman</p> <p>21 on that occasion?</p> <p>22 A. No.</p> <p>23 Q. Did you ever describe any sex</p> <p>24 stories about Steve Dunlevy in Ms. Guzman's</p> <p>25 presence on any other occasion?</p>	<p>1 Allan</p> <p>2 A. No.</p> <p>3 Q. Did you ever tell anyone Mr. Allan</p> <p>4 that when Steve Dunlevy spent the night at</p> <p>5 your house on one occasion you found him</p> <p>6 either urinating or attempting to urinate in</p> <p>7 one of your closets?</p> <p>8 MR. LERNER: Objection.</p> <p>9 A. No, sir.</p> <p>10 Q. Did you ever tell anyone that you</p> <p>11 saw Steve Dunlevy's penis when he was spending</p> <p>12 the night at your house one night?</p> <p>13 A. No.</p> <p>14 Q. Did you ever tell anyone -- strike</p> <p>15 that.</p> <p>16 Did you ever Ms. Guzman that Steve</p> <p>17 Dunlevy would have sex with a woman with no</p> <p>18 limbs?</p> <p>19 A. With what?</p> <p>20 Q. A woman without limbs?</p> <p>21 A. No.</p> <p>22 Q. Arms and legs?</p> <p>23 A. No.</p> <p>24 Q. You find that funny?</p> <p>25 A. I never heard such a question.</p>

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<p>1 Allan</p> <p>2 his breath on the occasions you smelled it in</p> <p>3 the news room?</p> <p>4 A. I am sorry, ask the question</p> <p>5 again.</p> <p>6 Q. Do you have any personal firsthand</p> <p>7 knowledge of why Steve Dunlevy had alcohol on</p> <p>8 his breath on the occasions you smelled</p> <p>9 alcohol on his breath in the news room?</p> <p>10 A. No.</p> <p>11 Q. And you were the Editor-in-Chief</p> <p>12 of the Post when you smelled alcohol on his</p> <p>13 breath multiple times; correct?</p> <p>14 A. Correct.</p> <p>15 Q. You never thought about</p> <p>16 investigating why Steve Dunlevy had alcohol on</p> <p>17 his breath in the news room on those</p> <p>18 occasions, did you?</p> <p>19 A. No, sir, I knew why.</p> <p>20 Q. You never contacted HR about that</p> <p>21 fact; correct?</p> <p>22 A. No, sir.</p> <p>23 Q. Did you ever tell Rupert Murdoch</p> <p>24 that one of the columnist at the New York Post</p> <p>25 was walking around the news room with alcohol</p>	<p>1 Allan</p> <p>2 on his breath?</p> <p>3 A. No, sir.</p> <p>4 Q. Why not?</p> <p>5 A. It is not a matter for him.</p> <p>6 Q. Not a matter for him?</p> <p>7 A. No, sir.</p> <p>8 Q. I thought that the buck stopped</p> <p>9 with him regarding the New York Post?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A. A columnist was doing his work</p> <p>12 well, very well.</p> <p>13 Q. Did you ever discipline Steve</p> <p>14 Dunlevy for having alcohol on his breath in</p> <p>15 the news room on those occasions?</p> <p>16 A. Never.</p> <p>17 Q. Did you ever think about</p> <p>18 disciplining him?</p> <p>19 A. Never.</p> <p>20 Q. Did you ever inquire at any point</p> <p>21 on any occasion with Steve Dunlevy as to why</p> <p>22 he had alcohol on his breath in the news room?</p> <p>23 A. I have answered the question.</p> <p>24 Q. Answer?</p> <p>25 A. I have answered the question.</p>
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<p>1 Allan</p> <p>2 Q. Have you inquired, did you inquire</p> <p>3 on any occasion?</p> <p>4 A. No.</p> <p>5 Q. Nothing stopped you from</p> <p>6 inquiring; right?</p> <p>7 A. No.</p> <p>8 Q. You had the power as the</p> <p>9 Editor-in-Chief to inquire why one of your</p> <p>10 staffers was walking around the news room with</p> <p>11 alcohol on his breath; correct?</p> <p>12 MR. LIPPNER: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. You, Mr. Allan, have also walked</p> <p>15 around the news room with alcohol on your</p> <p>16 breath during the day; correct?</p> <p>17 A. Never.</p> <p>18 Q. Isn't it a fact that during your</p> <p>19 tenure as Editor-in-Chief of the Post you have</p> <p>20 consumed alcohol in the day?</p> <p>21 A. Never.</p> <p>22 Q. Did you ever hear Steve Dunlevy</p> <p>23 ever refer to a black person as a nigger?</p> <p>24 A. Yes.</p> <p>25 Q. How many times have you heard</p>	<p>1 Allan</p> <p>2 Steve Dunlevy refer to a black person as a</p> <p>3 nigger?</p> <p>4 A. Once.</p> <p>5 Q. Do you recall the year you heard</p> <p>6 him refer to a black person as a nigger?</p> <p>7 A. Very well.</p> <p>8 Q. What year was it, sir?</p> <p>9 A. 2001.</p> <p>10 Q. Can you describe where you were</p> <p>11 when Steve Dunlevy referred to a black person</p> <p>12 as a nigger?</p> <p>13 A. It was my first day at the Post,</p> <p>14 and he and Neil Travis had invited me at the</p> <p>15 end of that first day for a drink at Langan's</p> <p>16 to meet some of the people who worked at the</p> <p>17 paper. So I happily went and they introduced</p> <p>18 me to a number of people. One of those people</p> <p>19 was a black man named Robert George. Steve</p> <p>20 Dunlevy introduced him to me as, and I quote,</p> <p>21 our token nigger, quote.</p> <p>22 Q. Our token nigger?</p> <p>23 A. Yes, sir.</p> <p>24 Q. How did you respond Mr. Allan?</p> <p>25 A. I was --</p>

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1 Allan
2 Q. To his statement that Robert
3 George was the New York Post token nigger?
4 A. I was shocked and deeply offended.
5 Q. Did you say anything to Steve
6 Dunlevy at the time you heard him refer to
7 Robert George as the token nigger?
8 A. No.
9 Q. Why not?
10 A. It was my first day at the
11 newspaper, I had just arrived from Australia.
12 I was shocked by the expression. There were a
13 group of people around including Jesse Angelo,
14 and subsequently Jesse Angelo spoke to
15 Mr. Dunlevy about his language.
16 Q. How did Robert George respond when
17 Steve Dunlevy introduced him to you as the
18 token nigger?
19 A. It seemed to me they were friends,
20 it seemed to me that he took no offense, but
21 what he said was unforgivable also.
22 Q. How did Mr. George respond after
23 Steve Dunlevy called him a token nigger?
24 A. He laughed.
25 Q. Did he do anything else?

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1 Allan
2 is nigger?
3 A. Yes, sir.
4 Q. Why do you think that is one of
5 the worse names a black person can be called?
6 A. I have been married for almost 30
7 years, my wife's mother is black. She is a
8 Aborigine, my wife is part Aborigine, my four
9 children are part Aborigine. Therefore the
10 expression is deeply offensive to me. For it
11 to be anything else would be a betrayal of my
12 family. I trust that answers your question.
13 Q. Was Steve Dunlevy disciplined for
14 calling Robert George a token nigger?
15 A. He was.
16 Q. How was he disciplined?
17 A. Jesse Angelo told him that it was
18 unacceptable and it must never happen again.
19 Q. Was he disciplined in any other
20 way?
21 A. I don't know.
22 Q. So as far as you know sitting here
23 the only discipline given to Steve Dunlevy for
24 calling a black employee of the Post a token
25 nigger was that he was spoken to by Jesse

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1 Allan
2 A. No.
3 Q. Do you know if Jesse Angelo also
4 heard Steve Dunlevy call Robert George a token
5 nigger?
6 A. He did, yes.
7 Q. You know if anyone else from the
8 Post or News Corp. heard Steve Dunlevy refer
9 to Robert George as a token nigger?
10 A. There were a couple of other
11 people there, I don't recall.
12 Q. You mentioned Neil Travis. Who is
13 Neil Travis?
14 A. Neil Travis was a columnist on the
15 newspaper.
16 Q. Was he present at the time?
17 A. I believe so.
18 Q. Do you know if Neil Travis also
19 heard Steve Dunlevy refer to Robert George as
20 a token nigger?
21 A. I don't know, I can't answer that.
22 Q. Would you agree Mr. Allan that one
23 of the worse words -- strike that.
24 Would you agree Mr. Allan that one
25 of the worse names you can call a black person

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1 Allan
2 Angelo?
3 A. Yes. He was spoken to very
4 firmly, he was told it was unacceptable and it
5 must never happen again.
6 Q. Did you tell Jesse Angelo to
7 terminate Steve Dunlevy because he had used
8 such an ugly racial slur against Robert
9 George?
10 A. No, I did not.
11 Q. Did you tell Jesse Angelo --
12 strike that.
13 Why didn't you tell Jesse Angelo
14 to fire Steve Dunlevy for calling Robert
15 George a token nigger?
16 A. It was my first day here, I am
17 sorry, what he said was deeply offensive and
18 wrong.
19 Q. I understand. My question is why
20 didn't you call for his termination?
21 A. I believed at the time that the
22 discipline, the way in which Jesse had spoken
23 to him and the fact that he made it very clear
24 that it must never happen again was
25 sufficient.

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<p>1 Allan</p> <p>2 sir?</p> <p>3 A. I don't recall.</p> <p>4 Q. Was she allowed to go to cover</p> <p>5 that ceremony for the New York Post?</p> <p>6 A. No.</p> <p>7 Q. Why not?</p> <p>8 A. Because she had told us that she</p> <p>9 was a friend of Justice Soto Mayor and</p> <p>10 therefore I felt that she had been conflicted.</p> <p>11 Q. Conflict?</p> <p>12 A. Yes. We don't assign people to</p> <p>13 cover people on the basis of friendships.</p> <p>14 Q. When Kevin Rudd ran for Prime</p> <p>15 Minister of Australia did you cover him in the</p> <p>16 New York Post?</p> <p>17 A. No.</p> <p>18 Q. Is it your testimony that there</p> <p>19 was not a single article written in the New</p> <p>20 York Post -- can I finish -- about the fact</p> <p>21 that Kevin Rudd was running for Prime Minister</p> <p>22 of Australia?</p> <p>23 A. I don't recall it.</p> <p>24 Q. Do you recall if there was ever an</p> <p>25 article in the New York Post about Kevin Rudd?</p>	<p>1 Allan</p> <p>2 A. I don't recall.</p> <p>3 Q. Would it have been inappropriate</p> <p>4 for an article to have been published about</p> <p>5 Kevin Rudd in the New York Post based on your</p> <p>6 relationship with him?</p> <p>7 A. I didn't have a relationship with</p> <p>8 him.</p> <p>9 MR. LERNER: Objection.</p> <p>10 Q. He was a friend of yours; correct?</p> <p>11 A. No. I never testified that he was</p> <p>12 a friend. I knew him for one day.</p> <p>13 Q. Now Ms. Guzman was terminated in a</p> <p>14 meeting with Joe Rabinowitz and someone from</p> <p>15 HR; correct?</p> <p>16 A. I don't know.</p> <p>17 Q. Let me ask you, do you know who</p> <p>18 conveyed to Ms. Guzman that she was being</p> <p>19 terminated as an associate editor at the Post?</p> <p>20 A. Jennifer Jehn.</p> <p>21 Q. How do you know that Jennifer Jehn</p> <p>22 conveyed that to her?</p> <p>23 A. She is the head of HR.</p> <p>24 Q. Other than the fact that she is</p> <p>25 the head of HR do you know if Jennifer Jehn</p>
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<p>1 Allan</p> <p>2 actually met with Ms. Guzman in connection</p> <p>3 with the termination?</p> <p>4 A. That is my recollection.</p> <p>5 Q. Mr. Allan, I am now showing you</p> <p>6 Allan Deposition Exhibit 21, which is Bates</p> <p>7 stamped NYP 3892, I ask you to take a moment</p> <p>8 to look at that document.</p> <p>9 (Allan Exhibit 21, Bates stamped</p> <p>10 NYP 3892, marked for identification,</p> <p>11 as of this date.)</p> <p>12 A. Yes.</p> <p>13 Q. Do you recognize this document</p> <p>14 sir?</p> <p>15 A. Yes.</p> <p>16 Q. What is it?</p> <p>17 A. An open jobs report.</p> <p>18 Q. What is an open jobs report?</p> <p>19 A. Jobs that are vacant at the</p> <p>20 newspaper.</p> <p>21 Q. This one is dated October 12,</p> <p>22 2009; correct?</p> <p>23 A. Yes.</p> <p>24 Q. So this is dated weeks after Ms.</p> <p>25 Guzman was terminated; correct?</p>	<p>1 Allan</p> <p>2 A. Yes.</p> <p>3 Q. Do you see it states open,</p> <p>4 Haberman, Z, associate metro editor?</p> <p>5 A. Yes.</p> <p>6 Q. So when Ms. Guzman was terminated</p> <p>7 there was an open associate editor position at</p> <p>8 the paper; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Was any discussion Mr. Allan about</p> <p>11 possibly allowing Ms. Guzman to remain</p> <p>12 employed at the company after Tempo was</p> <p>13 closed?</p> <p>14 A. Yes. I asked three editors if</p> <p>15 there was a position in their departments or</p> <p>16 anywhere at the paper that Ms. Guzman might</p> <p>17 fill at her compensation.</p> <p>18 Q. Who were those three editors?</p> <p>19 A. Michelle Gotthelf, Jesse Angelo</p> <p>20 and Catherine Pushkar.</p> <p>21 Q. Who is Catherine Pushkar?</p> <p>22 A. She was a features editor.</p> <p>23 Q. Did you meet with those three</p> <p>24 editors together or individually when you</p> <p>25 inquired as to whether there was another</p>

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<p>1 Allan 2 position for Ms. Guzman? 3 MR. LIPPNER: Objection. 4 A. Independent. 5 Q. Did you take any notes? 6 A. No. 7 Q. Where did those meetings take 8 place? 9 A. I don't recall. 10 Q. Was anyone else present besides 11 you and each of those editors? 12 A. No. 13 Q. What is the metro desk at the 14 Post? 15 A. Metro desk is the city desk, it is 16 responsible for the reporters who cover the 17 city. 18 Q. Heart of the paper; correct? 19 A. Yes. 20 Q. Why wouldn't Ms. Guzman be allowed 21 to take that open position when Zach Haberman 22 left the paper? 23 A. Her compensation was \$135,000 a 24 year, this job is open at \$82,000 a year. 25 Q. Mr. Allan, I understand that there</p>	<p>1 Allan 2 was a difference between the salary, but why 3 didn't you at least offer it to Ms. Guzman 4 before she was fired? 5 A. It is my view that an employee who 6 had been forced to take a very large pay cut 7 in the order of \$55,000 or \$50,000, would not 8 be a happy employee. 9 Q. Is it your position that that 10 employee would be happier losing \$137,000 as 11 opposed to 50,000? 12 MR. LERNER: Objection. 13 A. I made that decision in the 14 interest of the newspaper. I didn't believe 15 it was appropriate or right to offer her a job 16 that would have caused her such a significant 17 pay cut. 18 Q. Did you think it was more 19 appropriate to fire her, she would have no 20 job? 21 A. She was hired to produce Tempo, 22 Tempo had ceased to exist. 23 Q. But she worked on 25 other 24 sections -- 25 MR. LIPPNER: Were you done with</p>
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<p>1 Allan 2 your answer? 3 THE WITNESS: Yes. 4 Q. She was working on 25 other 5 sections of the paper at the time the Tempo 6 was closed; is that correct? 7 MR. LERNER: Objection. That is a 8 fact not in evidence. 9 Q. Correct? 10 A. Sorry? 11 Q. Isn't it a fact that Ms. Guzman 12 was working on 25 other sections of the paper 13 at the time she was terminated? 14 MR. LERNER: Objection. 15 A. She was working on other sections. 16 Q. How many other sections? 17 A. I don't know. 18 Q. So she wasn't only working on 19 Tempo; correct? 20 A. I asked that she be offered work 21 on other sections of the newspaper because 22 Tempo had become so emaciated that it was no 23 longer occupying much of her time. I mean it 24 was coming out once a month and it was tiny, 25 it was small.</p>	<p>1 Allan 2 Q. Isn't it true that you never once 3 considered offering Ms. Guzman that open 4 position that became vacant after Zach 5 Haberman left the paper? 6 A. I considered it and I decided not 7 to do it. 8 Q. Mr. Allan, could you put the 9 Deposition Exhibit 4 in front of you? 10 A. Exhibit 4. 11 Q. It should be there? 12 A. Sorry. 13 Q. It is number 5 -- look at this 14 one? 15 A. Yes. 16 Q. I want to direct your attention to 17 page 7 of that document? 18 MR. LERNER: What exhibit number? 19 MR. THOMPSON: 5. 20 Q. Do you see where it says 21 interrogatory number 8? 22 A. Yes. 23 Q. Do you see there is a list of 24 names there and in response to that 25 interrogatory, Bill Hoffman, Zach Haberman,</p>

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X

4 AUSTIN FENNER and IKIMULISA
LIVINGSTON,

Plaintiffs,

5 vs.

No. 09 Civ 9832

6 NEWS CORPORATION, NYP HOLDINGS,
INC., d/b/a THE NEW YORK POST and
7 DAN GREENFIELD and MICHELLE
GOTTHELF,

Defendants.

8 -----X

SANDRA GUZMAN,

9 Plaintiff,

vs.

No. 09 Civ 9323

10 NEWS CORPORATION, NYP HOLDINGS
INC., d/b/a THE NEW YORK POST,
11 COL ALLAN, in his official and
individual capacities,

12 Defendants.

-----X

13
14 VIDEOTAPED DEPOSITION OF COL ALLAN
VOLUME II

15 New York, New York

February 21, 2013

16
17
18
19
20
21
22 Reported by:

23 Bonnie Pruszyński, RMR

24 Job 57922

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1 Col Allan

2 A No.

3 Q Okay. Did you believe it was the
4 right decision in 2009?

5 A Yes.

6 Q Okay. And why was it the right
7 decision? Why do you stand by that decision?8 A Because I understood that the
9 stimulus bill was written by the Congress, and
10 that the cartoonist had used a news event that was
11 contemporary as they -- as cartoonists do, to link
12 two disparate events that -- a monkey had attacked
13 a woman in Connecticut, the police had shot the
14 monkey and he connected those two events. This
15 was an attack on the congressional stimulus bill
16 which the cartoonist clearly believes was a bad
17 bill.18 Q And following the publication of the
19 cartoon in 2009 -- during 2009, following the
20 publication of the cartoon, did you believe that
21 any changes should have been made to that cartoon
22 prior to its publication?23 MR. LERNER: Objection. Asked and
24 answered.

25 A It may have been prudent to have

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2 A Any number of those things.

3 Q Or potentially from commentary in the
4 media?

5 A Yes.

6 Q So, sitting here today and reviewing
7 that cartoon, do you believe the primate in that
8 cartoon should be labeled Congress?

9 MR. LERNER: Objection.

10 A No.

11 Q So, you believe the cartoon is fine
12 as is?13 A Yes. I believed that at the time and
14 I believe it now.15 Q Even knowing that various people, you
16 said many people, took offense at the cartoon on a
17 racial basis?

18 A Yes.

19 Q Did anyone else at the New York Post
20 express to you, following the publication of the
21 cartoon, that they believed that it was a mistake
22 to publish that cartoon?

23 MR. LERNER: Objection, "else"?

24 Q Did anyone else at the New York Post?

25 A I don't recall.

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2 clearly labeled the monkey Congress.

3 Q When you heard the suggestion or
4 received the suggestion that a label could have
5 been affixed to the primate in the cartoon --

6 A No, sir. I didn't receive that.

7 Q Okay. Please --

8 A I didn't receive that suggestion.

9 Q Okay. Then how did that suggestion
10 come to your attention?11 A It was a consequence of the fact that
12 there were protests about the cartoon.13 Q But if you didn't receive the
14 suggestion that it be labeled, how did you become
15 aware of that suggestion?16 A From those people who were critical
17 of the cartoon.18 Q Okay. So, that suggestion did come
19 to your attention somehow, yes?20 A Yes, it came from people who were
21 critical of the cartoon.22 Q Okay. Did it come from protestors
23 outside the New York Post?

24 A I don't recall.

25 Q Or from a letter to the editor?

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2 Q I will restate the question.

3 MR. LERNER: I don't understand who
4 the "else" is referring to.

5 BY MR. PEARSON:

6 Q Did anyone other than yourself tell
7 you, anyone else who works for -- let's start
8 again, all right. You know, there are objections
9 being dispersed here and I understand the question
10 should be rephrased.11 Did anyone else who works -- did
12 anyone else who works or worked at the New York
13 Post tell you, after the publication of this
14 cartoon, that they believed it was a mistake to
15 publish it?

16 MR. LERNER: Objection.

17 A Possibly.

18 Q Why do you say "possibly"?

19 A I don't recall. It's possible.

20 Q Did you have any discussions with
21 anyone about the publication of the cartoon at the
22 Post after it was published?

23 A Yes, sir.

24 Q Apart from any -- strike that.

25 And apart from Ebony Clark, a woman